

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

PAUL D. CEGLIA,

Plaintiff,

v.

**MARK ELLIOT ZUCKERBERG and
FACEBOOK, INC.**

Defendants.

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Civil Action No. 1:10-cv-00569-RJA

**PLAINTIFF’S MOTION FOR
RECONSIDERATION, CORRECTION
OR CLARIFICATION OF THE
MAGISTRATE’S DECISION AND
ORDER (DOC. 660) (FED. R. CIV. P.
60(a) OR 60(b)(6))**

Pursuant to Local Civil Rule 7(d)(3) and Fed. R. Civ. P. 60(a) or, alternatively, Fed. R. Civ. P. 60(b)(6), Plaintiff Paul D. Ceglia respectfully moves this Court for Reconsideration, Correction or Clarification of the Magistrate’s Decision and Order entered on May 9, 2013 (Doc. No. 660). Plaintiff intends to file a reply if opposition is filed to this motion. In support thereof Plaintiff states as follows:

1. Paul A. Argentieri (“Argentieri”) is one of the attorneys for Plaintiff in this action. Filed herewith is the Declaration of Paul A. Argentieri in Support of Plaintiff’s Motion for Reconsideration, Correction or Clarification of the Magistrate’s Decision and Order entered on May 9, 2013 (Doc. No. 660) (“Argentieri Dec.”) ¶¶ 1, 2.

2. On May 9, 2013, the Magistrate Judge entered a Decision and Order in this case (Doc. 660) (“D&O #1”). *Id.* ¶ 3.

3. D&O #1, in its decretal section, grants in part and denies in part the defendants’ fee application “in accordance with the January 10, 2012 Decision and Order (Doc. No. 283)” and states “Defendants are awarded in connection with their Accelerated Motion to Compel \$3,747.68 in attorney’s fees.” *Id.* at ¶ 4.

4. On February 14, 2012, the Magistrate Judge entered a Decision and Order (Doc. 292) (“D&O #2”) which, in its decretal section, grants in part and denies in part the defendants’ fee application “in accordance with the January 10, 2012 Decision and Order (Doc. No. 283)” and states “Defendants are awarded in connection with their Accelerated Motion to Compel \$75,776.70 in attorney’s fees.” *Id.* at ¶ 5.

5. The decretal sections of D&O #1 and D&O #2 are identical in terms of the Motion and Order to which they relate but they differ in the amount of attorney’s fees ordered. D&O #1 facially conflicts, therefore, with D&O #2 and Plaintiff respectfully requests that the Court either reconsider, correct or clarify D&O #1 so that the record is clear and accurate concerning the basis and terms of D&O #1. *Id.* at ¶ 6.

6. This motion is timely made and is not being made for purposes of delay, but in good faith. *Id.* at ¶ 7.

WHEREFORE, for the above reasons, Plaintiff respectfully requests that the Court grant this motion.

Respectfully submitted,

s/ Paul A. Argentieri
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